

Title 9, Chapter 9, Part 1

Utah Division of Indian Affairs Act

9-9-101. Title -- Definitions.

(1) This chapter is known as the "Utah Division of Indian Affairs Act."

(2) (a) As used in this chapter, "division" means the Utah Division of Indian Affairs created in Section 9-9-102.

(b) As used in this part, "Indian tribe" or "tribe" means a tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

9-9-102. Division of Indian Affairs created -- Supervision by department.

(1) There is created within the department a Utah Division of Indian Affairs.

(2) The division shall be under the administration and general supervision of the department.

9-9-103. Purpose.

The division shall:

(1) develop programs that will allow Indian citizens residing on or off reservations an opportunity to share in the progress of Utah;

(2) promote an atmosphere in which Indian citizens are provided alternatives so that individual citizens may choose for themselves the kinds of lives they will live, both socially and economically;

(3) promote programs to help the tribes and Indian communities find and implement solutions to their community problems; and

(4) promote government-to-government relations between the state and tribal governments.

9-9-104. Duties and powers.

(1) The division shall:

(a) have all of the functions, powers, duties, rights, and responsibilities granted to it by this chapter;

(b) staff those committees or boards as specified in this chapter; and

(c) in accordance with policies set by state government, coordinate relations between:

(i) the state;

(ii) tribal governments;

(iii) other Indian groups; and

(iv) federal agencies.

(2) The division may:

(a) contract with public and private entities to provide services or facilities;

(b) acquire and hold funds or other property for the administration of the programs outlined in this chapter;

(c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to carry out the duties of the division;

(d) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of Indians; and

(e) apply or dispose of those gifts, grants, devises, and property received under Subsection (2)(d) for the use and benefit of Indians within the state.

9-9-104.5. Meetings with tribal leaders and Indian groups.

(1) The division shall meet regularly with:

(a) elected officials of Indian tribes located in whole or in part in the state; or

(b) individuals designated by elected officials of the tribes described in Subsection (1)(a).

(2) (a) Subject to Section 9-9-104.6, at least five times each year, the division shall coordinate and attend a joint meeting of the representatives of tribal governments listed in Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal

governments in meeting the needs of the Native Americans residing in the state.

(b) (i) The representatives to be included in the meeting described in Subsection (2)(a) shall be selected as follows:

(A) an elected official of the Navajo Nation that resides in San Juan County selected by the Navajo Nation government;

(B) an elected official of the Ute Indian Tribe of the Uintah and Ouray Reservation selected by the Uintah and Ouray Tribal Business Committee;

(C) an elected official of the Paiute Indian Tribe of Utah selected by the Paiute Indian Tribe of Utah Tribal Council;

(D) an elected official of the Northwestern Band of the Shoshoni Nation that resides in Northern Utah selected by the Northwestern Band of the Shoshoni Nation Tribal Council;

(E) an elected official of the Confederate Tribes of Goshute Reservation that resides in Ibapah selected by the Goshute Business Council;

(F) an elected official of the Skull Valley Band of Goshute Indians selected by the Goshute Indian Tribal Executive Committee;

(G) an elected official of the Ute Mountain Ute Tribe that resides in Utah selected by the Ute Mountain Ute Tribal Council; and

(H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan Southern Paiute Tribal Council.

(ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian tribe provides notice to the division, the Indian tribe may designate an individual other than the elected official selected under Subsection (2)(b)(i) to represent the Indian tribe at a meeting held under Subsection (2)(a).

(c) (i) A meeting held in accordance with Subsection (2)(a) is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(ii) A meeting of representatives listed in Subsection (2)(b) is not subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act, notwithstanding whether it is held on the same day as a meeting held in accordance with Subsection (2)(a) if:

(A) the division does not coordinate the meeting described in this Subsection (2)(c)(ii);

(B) no state agency participates in the meeting described in this Subsection (2)(c)(ii);

(C) a representative receives no per diem or expenses under this section for attending the meeting described in this Subsection (2)(c)(ii) that is in addition to any per diem or expenses the representative receives under Subsection (2)(d) for attending a meeting described in Subsection (2)(a); and

(D) the meeting described in this Subsection (2)(c)(ii) is not held:

(I) after a meeting described in Subsection (2)(a) begins; and

(II) before the meeting described in Subsection (2)(c)(ii)(D)(I) adjourns.

(d) (i) The representative selected under Subsection (2)(b) that attends a meeting held in accordance with Subsection (2)(a) who does not receive compensation, per diem, or expenses from the tribal government specifically for the representative's attendance at that meeting may receive per diem and expenses incurred in attending the meeting at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) A representative of a tribal government that attends a meeting held in accordance with Subsection (2)(a) may decline to receive per diem and expenses for the representative's attendance.

(iii) For each meeting, only one individual from each tribe may receive per diem and expenses, as provided in this Subsection (2)(d).

(3) The division may meet as necessary with Indian groups other than tribal governments representing the interests of Native Americans who are citizens of the state residing on or off reservation land.

**9-9-104.6. Participation of state agencies in meetings with tribal leaders --
Contact information.**

(1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the division shall coordinate with representatives of tribal governments

and the entities listed in Subsection (2) to provide for the broadest participation possible in the joint meetings.

(2) The following may participate in all meetings described in Subsection (1):

(a) the chairs of the Native American Legislative Liaison Committee created in Section 36-22-1;

(b) the governor or the governor's designee;

(c) a representative appointed by the chief administrative officer of the following:

(i) the Department of Health;

(ii) the Department of Human Services;

(iii) the Department of Natural Resources;

(iv) the Department of Workforce Services;

(v) the Governor's Office of Economic Development;

(vi) the State Office of Education; and

(vii) the State Board of Regents.

(3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

(i) designate the name of a contact person for that agency that can assist in coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and

(ii) notify the division:

(A) who is the designated contact person described in Subsection (3)(a)(i); and

(B) of any change in who is the designated contact person described in

Subsection (3)(a)(i).

(b) This Subsection (3) applies to:

(i) the Department of Agriculture and Food;

(ii) the Department of Community and Culture;

(iii) the Department of Corrections;

(iv) the Department of Environmental Quality;

(v) the Department of Public Safety;

(vi) the Department of Transportation;

- (vii) the Office of the Attorney General;
- (viii) the State Tax Commission; and
- (ix) any agency described in Subsection (2)(c).

(c) At the request of the division, a contact person listed in Subsection (3)(b) may participate in a meeting described in Subsection (1).

(4) (a) Salaries and expenses of a legislator participating in accordance with this section in a meeting described in Subsection (1) shall be paid in accordance with Section 36-2-2 and Joint Rule 15.03.

(b) A state government officer or employee may receive per diem and expenses at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 for participating in a meeting described in Subsection (1) if the officer or employee:

- (i) participates in the meeting in accordance with this section; and
- (ii) does not receive salary, per diem, or expenses from the officer's or employee's agency for participating in the meeting.

(c) A state government officer or employee that participates in a meeting described in Subsection (1) may decline to receive per diem and expenses for participating in the meeting.

9-9-105. Division director.

(1) The executive director of the department shall appoint the director of the division with the approval of the governor.

(2) The director shall be a person knowledgeable in the field of Indian affairs and experienced in administration.

9-9-107. Annual report.

The division shall submit an annual report of its operations and recommendations to:

- (1) the department;
- (2) the governor; and

(3) the Native American Legislative Liaison Committee created in Section 36-22-1.

9-9-108. Investments.

Funds not allocated for use by the division shall be invested in accordance with Section 51-7-11.